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SERVICE DATE - JANUARY 22, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-402 (Sub-No. 7X)

FOX VALLEY & WESTERN LTD.--ABANDONMENT EXEMPTION--
IN FOND DU LAC AND WASHINGTON COUNTIES, WI

Decided: January 17, 2001

On January 31, 2000, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the Wisconsin Department of Natural Resources, acting through the Wisconsin Department of Transportation (collectively referred to as WisDNR/DOT), to negotiate an interim trail use/rail banking agreement with Fox Valley & Western Ltd. (FVW) for a 24.64-mile line of railroad, known as the West Bend-Eden Line, extending from milepost 114.42 south of West Bend to milepost 139.06 in Eden, in Washington and Fond du Lac Counties, WI. The negotiating period under the NITU was scheduled to expire on July 29, 2000, but was extended through January 25, 2001, by decision served July 28, 2000.

On January 11, 2001, WisDNR/DOT and FVW jointly filed a motion to extend the NITU for an additional 180 days. The parties state that negotiations are currently continuing in good faith to reach an agreement for interim trail use/rail banking, but that more time is needed to finalize negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).¹ Accordingly, the negotiating period will be extended for an additional 180 days to July 24, 2001.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The joint motion of WisDNR/DOT and FVW is granted.
2. The negotiating period under the NITU is extended to July 24, 2001.

¹ See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

3. The decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary